

DAYLE ELIESON
United States Attorney
District of Nevada
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Nevada State Bar Number 10233
501 Las Vegas Boulevard South
Suite 1100
Las Vegas, Nevada 89101
702-388-6503
phillip.smith@usdoj.gov

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	2:17-CR-187-RFB
)	
Plaintiff,)	MOTION TO CONTINUE
)	GOVERNMENT'S RESPONSE
v.)	DEADLINE
)	
MARCUS ANTHONY WELLS,)	
)	
Defendant.)	

MOTION TO CONTINUE GOVERNMENT'S RESPONSE DEADLINE

The United States of America, by and through DAYLE ELIESON, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, hereby files a Motion to Continue the Government's Response Deadline to the Defendant's "Second Supplement to Defendant Marcus Anthony Wells' Motion to Suppress Evidence ("Defendant's Second Supplement") in the above-entitled manner, currently set for January 26, 2018, for a period of two (2) court days, until January 30, 2018.

This Motion is filed for the following reasons:

1 1. The Defendant's Second Supplement was filed and served on January 19, 2018.
2 *See* Docket #62. Pursuant to the Court's order, the Government's response deadline is January
3 26, 2018.

4 2. On January 24, 2018, the undersigned received a copy of the transcript of the
5 entire evidentiary hearing (after having received approval to expend the necessary funds to pay
6 for it). The transcript of the full hearing totals almost 250 pages. The undersigned needs
7 additional time, taking into account due diligence, to be able to review the transcript and respond
8 to the Defendant's Second Supplement.

9 3. The trial in this matter is presently set for February 20, 2018. Consequently, the
10 requested brief extension of the Government's response deadline is unlikely to affect the
11 Defendant's rights under the Speedy Trial Act.

12 4. The additional time requested herein is not sought for purposes of delay, but
13 rather, to have adequate time to review all necessary materials prior to filing a response, taking
14 into account due diligence.

15 5. Additionally, denial of this request for continuance could result in a miscarriage
16 of justice.

17 6. This is the first motion filed herein to continue the Government's response
18 deadline.

19 DATED: January 25, 2018.

20 Respectfully submitted,

21 DAYLE ELIESON
22 United States Attorney

23 _____
24 //s//
25 PHILLIP N. SMITH, JR.
26 Assistant United States Attorney
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1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 * * *

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6 UNITED STATES OF AMERICA,) **2:17-CR-187-RFB**
7 Plaintiff,) **FINDINGS OF FACT AND**
8 v.) **ORDER**
9)
10 MARCUS ANTHONY WELLS,)
11 Defendant.)
_____)

12
13 **FINDINGS OF FACT**

14 Based on the pending Motion made by the United States, and good cause appearing
15 therefore, the Court finds that:

16 1. The Defendant's Second Supplement was filed and served on January 19, 2018.
17 *See* Docket #62. Pursuant to the Court's order, the Government's response deadline is January
18 26, 2018.

19 2. On January 24, 2018, the undersigned received a copy of the transcript of the
20 entire evidentiary hearing (after having received approval to expend the necessary funds to pay
21 for it). The transcript of the full hearing totals almost 250 pages. The undersigned needs
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26 Defendant's rights under the Speedy Trial Act.

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28 rather, to have adequate time to review all necessary materials prior to filing a response, taking
into account due diligence.

1 5. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice.

3 6. This is the first motion filed herein to continue the Government's response
4 deadline.

5 For all of the above-stated reasons, the ends of justice would best be served by a
6 continuance of the Government's response deadline.

7 **ORDER**

8 IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the
9 Government to respond to the Defendant's Second Supplement (Docket #62) is extended until
10 January 30, 2018.

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12 

13 _____
Hon. RICHARD F. BOULWARE II
UNITED STATES DISTRICT JUDGE

14 DATED this 26th day of January, 2018.
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